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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RODOLFO CARRAZCO

v.

COUNTY OF BEXAR

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CIVIL ACTION NO.: 5:19-cv-274

PLAINTIFF'S COMPLAINT AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

This action is brought pursuant to 42 U.S.C. Section 1983 and 1988, and the 5th and 14th Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. Section 1331 and 1341 (1)(2)(3), and the aforementioned statutory and constitutional provisions. Plaintiff invokes the pendent jurisdiction of this Court to hear and decide claims arising under state law. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), including interest or cost.

PARTIES AND SERVICE

1. Plaintiff, **RODOLFO CARRAZCO**, is a citizen of the United States and the State of Texas. The Plaintiff, RODOLFO CARRAZCO (hereinafter referred to as "Plaintiff" or "CARRAZCO"), is presently before the Court for all purposes.

2. Defendant, COUNTY OF BEXAR (hereinafter referred to as "Defendant Bexar"), may be served by mailing a copy of this complaint and a summons **Bexar County Judge Nelson W. Wolff at the Paul Elizondo Tower, 101 W. Nueva, 10th Floor, San Antonio TX 78205.**

JURISDICTION

3. The action arises under 42 U.S.C. Section 1983 and 1988, and the 5th and 14th Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. Section 1331 and 1341 (1)(2)(3).

4. This Court has supplemental jurisdiction over state law claims discussed below under 28 U.S.C. Section 1367(a), because they arise out of the same case or controversy.

NATURE OF CAUSE OF ACTION

5. This is an action under Title 42 U.S.C. Section 1983, as the San Antonio Police Department has instituted specific policies which discriminate against CARRAZCO and has subjected CARRAZCO to disparate treatment, thus causing financial harm.

FACTS CONCERNING CLAIM

6. The County of Bexar had a defacto policy permitting Bexar County Jail Guards to establish and operate what amounted to a "fight club." Specifically, Bexar County Jail Guards staged fights between inmates and bet on the outcome of the various fights. Specifically, agents and employees of the Bexar County Sheriff's Department unlocked the cell where Plaintiff was housed at the Bexar County Jail, and allowed other inmates to challenge the Plaintiff to a fight. Said actions on the part of the Bexar County Jail Guards amount to use of excessive force against the Plaintiff while Plaintiff was confined in the Bexar County Jail. Plaintiff received severe injuries which required his hospitalization, and subsequent medical treatment and operations. Plaintiff still suffers from the results of the injuries inflicted during these staged fights.

PLAINTIFF'S CLAIM OF EXCESSIVE USE OF FORCE

7. Plaintiff, **RODOLFO CARRAZCO**, would show that the physical force used against him was excessive in that it was not necessary, but that the Bexar County Jail Guards in question used him and other inmates for their own entertainment purposes. The resulting force against Plaintiff was unnecessary and excessive. Further, the unnecessary force used against the Plaintiff was sought without justification.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

8. Defendants, by and through their agents, intentionally caused emotional distress to Plaintiff. Defendant's conduct was extreme and outrageous, and proximately caused Plaintiff severe emotional distress. Plaintiff suffered damages for which Plaintiff hereby sues.

DAMAGES

9. Plaintiff sustained the following damages as a result of the actions and/or omissions of Defendants described herein above:

- a. Physical pain in the past;
- b. Physical pain in the future;
- c. Mental anguish in the past;
- d. Mental anguish in the future;
- e. Loss of property including, but not limited to a "gold grille";
- f. Humiliation;
- g. Loss of enjoyment of life;
- h. All reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff;
- i. Expert fees as the Court deems appropriate; and,

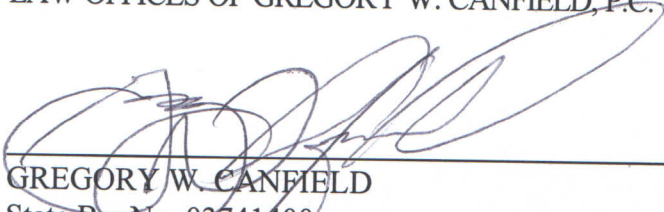
j. All reasonable and necessary costs incurred in pursuit of this suit.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff **RODOLFO CARRAZCO** respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, Judgment be entered for the Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; together with interest as allowed by law; costs of court; and, such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

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PLAINTIFF HEREBY DEMANDS TRIAL BY JURY